

ORIGINAL

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This Matter has come before the District Court of Guam based on the DECLARATION OF MAILING presented by Continental Attorney Mr. David Ledger, "(I will cause to be served, via certified mail return receipt requested)" **Exhibit A.** See Fed. R. Civ. P. 5(b)(2)(B), mailing a copy to the last known address of the person served. Service by mail is complete on mailing

Plaintiff, Civil Case No.: 02-00032
Tomy H. Ashtiani, vs.
AMEND. Motion to setze cover-up in
ContinentaL Micronesia Inc.,
EEOC Director in violation of EEOC
ada, ContinentaL Micronesia,
of defendant's counselors in
Hawai'i and Guam.
ContinentaL Airlines,
Defendant

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

FILED		APR 03 2003	
DISTRICT COURT OF GUAM		DISTRICT COURT OF GUAM	
671-688-4844		671-653-5575	
Tumuning Guam 96931		CARLSMITH BALL LLP	
P.O. Box 12723		ATTORNEYS for Defendant	
Troy Ashtiani (pro se)		MARY L. M. MORAN CLERK OF COURT	
19		MS. RYZE McDonald MR. David Ledger	

1 There is no requirement for service by registered or certified mail return receipt requested. **Exhibit C.**

2 The motive behind the diversion statement in **DECLARATION OF**

3 **MAILING** is contrary to the federal rule of civil procedures

4 **PLAINTIFF** in the following describes the motive that activated

5 **PLAINTIFF** in the following describes the motive that activated

6 **PLAINTIFF** Mr. Riera whom cooperated with defendant to unjustified

7 **PLAINTIFF** Mr. Riera whom cooperated with defendant to unjustified

8 **PLAINTIFF** Mr. Riera whom cooperated with defendant to unjustified

9 The CARLSMITH BALL firm is based in **Honolulu, Hawaii**. The EEOC

10 **PLAINTIFF** Mr. Riera whom cooperated with defendant to unjustified

11 **PLAINTIFF** Mr. Riera whom cooperated with defendant to unjustified

12 **PLAINTIFF** Mr. Riera whom cooperated with defendant to unjustified

13 **PLAINTIFF** Mr. Riera whom cooperated with defendant to unjustified

14 **PLAINTIFF** Mr. Riera whom cooperated with defendant to unjustified

15 **PLAINTIFF** in the unjust dismissal, thus professional conduct was

16 **PLAINTIFF**, accordingly, forces were joint and centralized in

17 **Honolulu, Hawaii**, in order to further cover-up violation.

18 The amended complaint involves EEOC Director as over seeing

19 The envelopes, which Plaintiff received from the defendant's

20 attorneys as the "ANSWER" was received on Mar 28, 2003.

21 **Exhibit D.**

22 The envelope, which Plaintiff received from the defendant's

23 letter from the EEOC director dated and mailed on Mar 26,

24 from Hawaii was also received on Mar 28, 2003

25 simultaneously. **Exhibit E.**

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violation of Fed. R. Civ. P.5, Plaintiff receiving a PS FORM
while the Plaintiff is open minded that there may not be a

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plaintiff and was signed by Ms. Emily Mauga. **Exhibit G.**
receipt of the PS Form 3811 dated 10/8/02. Hand written by the
plaintiff presents to this Court an actual and true return

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block A of this form has a forged signature. **Exhibit F.**
return receipt request to deny proof of service. PS FORM 3811,
director kept and had sent back to the Plaintiff a fraudulent
by the Plaintiff's original return receipt request which EEOC
document as return receipt requested, this document was switched
It is timely to present to this Court a hand written UPS
2003, and that Plaintiff will be reporting it to the authority.
of this United States postal services violation, in mid March
Plaintiff had left a message for EEOC director and informed him
this lonely force of one man army.

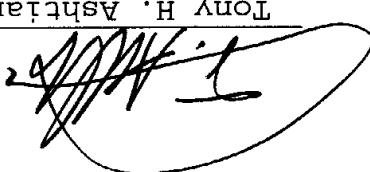
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focus on this law suit and spread the Plaintiff thin by dividing
and their motive to divert the attention away from the Plaintiff
believe that both opposing parties are in a coordinated effort
2003 one from EEOC and one from CARLSMITH BALL LLP is led to
The fact that both envelopes was in Plaintiff's P.O. Box on Mar

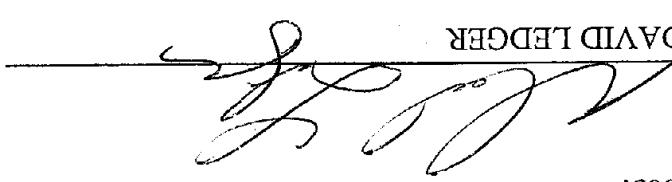
3849 notice of certified mail in addition of first class mail
 1 has raised a motive of ill will. **EXHIBIT H.**
 2 Plaintiff asserts that hidden motive of diversion of Fred R.
 3 CIV P. 5 (b) (2) in the **DECLARATION OF MAILING** is entrapment in
 4 coordinated effort by defendant's attorney in Honolulu and the
 5 Hawaii EOC director to switch documents and later blame the
 6 Plaintiff.
 7 Plaintiff asserts that hidden motive of diversion of Fred R.
 8 Plaintiff has seen many switching and immoral
 9 activities by both defendant and the EOC director that now
 10 More, Plaintiff has seen many switching and immoral
 11 activities by the both defendant and the EOC director that now
 12 Plaintiff is on the highest state of alertness. Plaintiff has
 13 watched, monitored, and studied their activity in this 20 months
 14 of dealings with the parties.
 15 More over, Plaintiff asserts that defendant counselors at
 16 CRISMAI BALL LLP and Continental are using their political
 17 affiliation and their linkages of past employment in the
 18 community to favor the defendant and cause more harm to the pro
 19 Se Plaintiff. More over Plaintiff asserts wrong full termination
 20 by the defendant caused early 401 K withdraw, resulted in tax
 21 penalty and even family violence which would not have occurred
 22 if the defendant adhered to the public policy and FML, total
 23 absence of machismo between mankind.
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1 Further more and more, The Plaintiff prays and pleads to Federal
2 District Court Of Guam and Honorable Chief Judge John S.
3 Unprincipled to grant the Motion in favor of the Plaintiff.
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Tony H. Ashtiani



Dated this 3rd day of APRIL 2003.



DAVID LEDGER

Dated this 28th day of March 2003.

12723, Tamuning, Guam 96931.

AMENDED COMPLAINT; DECLARATION OF MAILING upon Plaintiff Post Office Box
receipt requested, a true and correct copy of DEFENDANTS' ANSWER TO PLAINTIFF'S
States, that on the 28th day of March 2003, I will cause to be served, via certified mail with return
I, David Ledger, hereby declare under penalty of perjury of the laws of the United

DECLARATION OF MAILING

(3) Service by electronic means under Rule 5(b)(2)(D) is not effective if the party making service learns that the attempted service did not reach the person to be served.

(D) Delivering a copy by any other means, including electronic means, consented to in writing by the person served. Service by electronic means is complete on transmission by the person serving. Service by electronic means is complete on transmission by the person serving. Service by electronic means is complete on transmission by the person serving. Service by electronic means is complete on transmission by the person serving.

(E) Delivering a copy by any other means, including electronic means, through the court's transmission facilities.

(C) If the person served has no known address, leaving a copy with the
by mail is complete on mailing.

(B) Mailing a copy to the last known address of the person served. Service shall be age and discretion residing where.

(iii) If the person has no office or residence, then the person's dwelling house or usual place of abode will be someone of these persons.

charge, or if no one is in charge, leaving it in a conspicuous place in the office; or

(i) handing it to the person;
(ii) leaving it at the person's office with a clerk or other person in the office;

Q) Delivering a copy to the person served by:

(1) COPIES made on the authority unless the court orders otherwise or the party
(2) SETTLEMENT under Rule 5(a) is made by

(b) Making Service. (1) Service under Rules 5(a) and 77(d) on a party represented by an attorney is

In an action begun by seizure of property, in which no person need be or is named as defendant, any service required to be made prior to the filing of an answer, claim, or appearance shall be made upon the person having custody or possession of the property at the time of its seizure.

(a) **Service:** When required, Except as otherwise provided in these rules, every order required by its terms to be served, every pleading subsequent to the original pleading as required by its terms to be served, every pleading subservient to the original pleading, every motion other than one which may be heard ex parte, every writ, notice, appearance, demand, offer of judgment, designation of record on appeal, and similar paper shall be served upon each of the parties. No service need be made on parties in default for failure to appear except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in Rule 4.

Rule 5. Serving and Filing Pleadings and Other Papers

Law Review and Journal Commentaries Changes to the Federal Rules of Civil Procedure. Lawrence W. Newman and Michael Burrows, 211 N.Y.J. 3 (Jan. 31, 1994).

LIBRARY REFERENCES

new v. United States, 291 Fed. 497 (8th Cir.), cert. denied, 263 U.S. 714 (1923). For this purpose, the reason of their relation or connection to parties, and other persons subject to contempt, sanctions by trial as before does not distinguish between parties

RULES OF CIVIL PROCEDURE

Rule 5 service by mail is made by ordinary, first class mail. Rule 5 service by mail is made by mailing the paper in question to the attorney or the unrepresented party at his or her last known address.⁴¹ There is no requirement for service by registered or certified mail, return receipt requested.⁴² A document or paper is "mailed" within the meaning of the rule if it is placed in an envelope, addressed to the attorney or unrepresented party at his or her last known address, the proper postage is affixed, and the envelope is deposited in a U.S. Postal Service mailbox or Post Office.⁴³ Facsimile transmission is not considered service by mail.⁴⁴ Although service by fax may be authorized as service by service by mail requires only mailing, not receipt. Service by mail is complete at the time of mailing.⁴⁵ The service is complete even if there is no receipt of authorizing this form of service.⁴⁶

be accomplished by mailing a copy of the document.³⁷ However, service may also be by personal delivery of a copy of the document.³⁸ Furthermore, the rule also common methods of service currently used. However, the rule also authorizes service by delivery of a copy of the document in question to the court clerk when the person to be served has no known address.³⁷⁻² Furthermore, if the parties to be served consents to it in writing, that party may be served by whatever method of service the court clerk uses.³⁷⁻³ Electromagnetic means to which he or she (or his or her counsel) has consented.³⁷⁻³ Rule 5 has broad definition of "personal delivery." When Rule 5 service is made by personal delivery, the papers in question may either be handed directly to the attorney or unrepresented party.³⁷⁻⁴ or they may be left at the attorney's office with a clerk or other person in charge, or, if no one is in charge, left in a conspicuous place in the office.³⁸ If the office is closed, or the person to be served has no office, the papers may be left at the person's dwelling house or usual place of abode with a suitable age and discretion who resides there.³⁹ It is not acceptable service, however, to slip the papers under the door of an attorney whose office is closed.⁴⁰

37 See Fed. R. Civ. P. 5(b)(2)(A).

37.1 See Fed. R. Civ. P. 5(b)(2)(B).

41 Fed. R. Civ. P. 5(b)(2)(B).

42 See Fed. R. Civ. P. 5(b)(2)(B); cf. Fed. R. Civ. P. 4(f)(2)(C)(ii), (i)(1)(B), (i)(2).

43 See, e.g., Rivera v. M/T Fossantine, 840 F.2d 152, 155 (1st Cir. 1988).

44 Salley v. Bd. of Governors, Univ. of N.C., 136 F.R.D. 417, 419 (M.D.N.C. 1991) ("Fax transmissions may not be deemed service by mail").

44.1 See Fed. R. Civ. P. 5(b)(2)(D).

45 Fed. R. Civ. P. 5(b)(2)(B).

46 Motion for new trial looming, court held 254 (7th Cir. 1990) (despite deadline for service of papers under door was improper).

40 Smith Inc. v. Biltrex Labs., 909 F.2d 253, 39 Fed. R. Civ. P. 5(b)(2)(A)(iii).

38 Fed. R. Civ. P. 5(b)(2)(A)(ii).

37.4 See Fed. R. Civ. P. 5(b)(2)(A)(i).

37.5 See Fed. R. Civ. P. 5(b)(2)(D).

37.6 See Fed. R. Civ. P. 5(b)(2)(C).

37.7 See Fed. R. Civ. P. 5(b)(2)(B).

37.8 See Fed. R. Civ. P. 5(b)(2)(B).

39 Fed. R. Civ. P. 5(b)(2)(A)(ii).

40 Smith Inc. v. Biltrex Labs., 909 F.2d 253, 39 Fed. R. Civ. P. 5(b)(2)(A)(iii).

41 Fed. R. Civ. P. 5(b)(2)(B).

42 See Fed. R. Civ. P. 5(b)(2)(B); cf. Fed. R. Civ. P. 4(f)(2)(C)(ii), (i)(1)(B), (i)(2).

43 See, e.g., Rivera v. M/T Fossantine, 840 F.2d 152, 155 (1st Cir. 1988).

44 Salley v. Bd. of Governors, Univ. of N.C., 136 F.R.D. 417, 419 (M.D.N.C. 1991) ("Fax transmissions may not be deemed service by mail").

44.1 See Fed. R. Civ. P. 5(b)(2)(D).

45 Fed. R. Civ. P. 5(b)(2)(B).

CARLSMITH BALL LLP
POST OFFICE BOX BF
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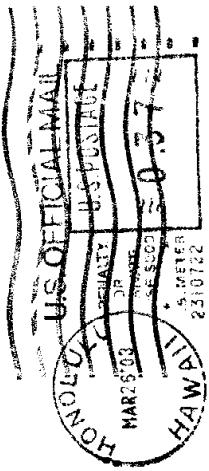
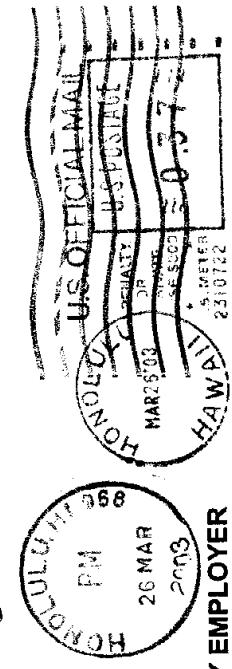
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SENDER: COMPLETE THIS SECTION ON DELIVERY	
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